

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

PHILIP WILLIAM COON

CASE NO.

8:08-cr-441-T17MAP
18 U.S.C. § 371
18 U.S.C. § 1343
18 U.S.C. § 1346
18 U.S.C. § 1957
18 U.S.C. § 981(a)(1)(C)
28 U.S.C. § 2461(c)

FORFEITURE

INFORMATION

The United States Attorney charges:

COUNT ONE

A. Introduction

At times material to this Information:

1. COAST BANK OF FLORIDA ("COAST") was a Florida corporation, headquartered in Bradenton, Florida, that conducted business in the Middle District of Florida. COAST was a full service bank, and its deposits were insured by the Federal Deposit Insurance Corporation.

2. AMERICAN MORTGAGE LINK ("AML") was a Florida corporation, headquartered in Tampa, Florida, that conducted business in the Middle District of Florida and elsewhere. AML was engaged in the business of originating mortgage loans.

3. SOLUTIONS PROCESSING, INC. ("SOLUTIONS") was a Florida corporation, headquartered in Tampa, Florida, that was not engaged in any business activity. Bank accounts in the name of SOLUTIONS were used to receive proceeds of additional mortgage brokerage fees from AML and to facilitate the transmission of said proceeds to the defendant and to various individuals and entities designated by the defendant.

4. PHILIP WILLIAM COON was an individual residing in the Middle District of Florida. COON was the Executive Vice-President, Mortgage Lending Department of COAST. COON used his position at COAST to request that a coconspirator charge AML's clients, who wanted residential home loans from COAST, a mortgage brokerage fee that was one percent more than AML would otherwise have charged, and to pay three-quarters of the additional one percent to COON.

The Conspiracy

5. Beginning in or about late 2004, and continuing through and including on or about January 17, 2007, in the Middle District of Florida, and elsewhere,

PHILIP WILLIAM COON,

the defendant herein, did knowingly and willfully combine, conspire, confederate and agree with others, both known and unknown to the United States Attorney, to commit certain offenses against the United States, to wit: (1) wire fraud and, thereby, to deprive COAST of the intangible right of honest services, in violation of Title 18, United States Code, Sections 1343 and 1346; and (2) money laundering, in violation of Title 18, United States Code, Section 1957.

Manner and Means of the Conspiracy

6. It was a part of the conspiracy that the defendant, who was an officer and head of the mortgage lending department of COAST, would and did request that a coconspirator charge AML's clients, who wanted residential home loans from COAST, a mortgage brokerage fee that was one percent more than AML would otherwise have charged, and to pay three-quarters of the additional one percent to the defendant.

7. It was a further part of the conspiracy that the coconspirator would and did use an existing bank account in the name of SOLUTIONS to receive proceeds of the additional percentage point charged by AML and to facilitate the transmission of said proceeds to the defendant and to various individuals and entities designated by the defendant. Later, the coconspirator would and did move the SOLUTIONS bank account to another financial institution and would and did use said account in the same manner.

8. It was a further part of the conspiracy that the conspirators would and did split the proceeds of the additional percentage point charged by AML, such that the defendant would and did receive three-quarters of each additional percentage point paid and the coconspirator would and did receive one-quarter of each additional percentage point paid.

9. It was a further part of the conspiracy that the coconspirator would and did transfer, via various means, the defendant's share of the proceeds of the additional percentage point from AML's checking account into checking accounts in the name of SOLUTIONS.

10. It was a further part of the conspiracy that the defendant would and did prepare and transmit, via e-mail and other means, instructions to the coconspirator to make checks drawn on the accounts in the name of SOLUTIONS payable to, among others, various of the defendant's creditors, charities, and family members.

11. It was a further part of the conspiracy that the coconspirator would and did prepare or cause to be prepared the checks drawn on the accounts in the name of SOLUTIONS requested by the defendant, and would and did deliver said checks to the defendant via private commercial carriers and other means.

12. It was a further part of the conspiracy that the coconspirator would and did provide the defendant with a debit/ATM card, along with the accompanying personal identification number, for the accounts in the name of SOLUTIONS.

13. It was a further part of the conspiracy that the defendant would and did use the debit/ATM card and accompanying personal identification number to make purchases of goods and services and to withdraw funds from the accounts in the name of SOLUTIONS.

14. It was a further part of the conspiracy that the defendant would and did use the defendant's share of the proceeds of the additional percentage point for his own personal enrichment.

15. It was a further part of the conspiracy that conspirators would and did misrepresent, conceal, and hide, and cause to be misrepresented, concealed, and hidden, the purpose of acts done in furtherance of the conspiracy.

Overt Acts

16. In furtherance of the conspiracy and to effectuate the objects thereof, the following overt acts, among others, were committed within the Middle District of Florida, and elsewhere:

(a) On or about December 1, 2005, a coconspirator charged the builder/seller of AML client Janis Stewart a mortgage brokerage fee amounting to two percent, rather than the standard one percent that would otherwise have been charged by AML, of the \$333,000 loan made by COAST to enable Stewart to purchase real property and build a home in Rotonda West, Florida.

(b) On or about December 6, 2005, a coconspirator transferred \$3,330 from AML's checking account at AmSouth Bank, 260 First Avenue South, St. Petersburg, Florida, into SOLUTIONS's checking account at the same location.

(c) On or about December 31, 2005, PHILIP WILLIAM COON e-mailed to a coconspirator a list of payees, dollar amounts, and instructions to prepare checks to the payees in the dollar amounts indicated, drawn on the account in the name of SOLUTIONS, and to deliver said checks to PHILIP WILLIAM COON via a private commercial carrier.

(d) On or about August 19, 2005, PHILIP WILLIAM COON caused check #2026 in the amount of \$75,000.00, drawn on the AmSouth Bank account in the name of SOLUTIONS, to be made payable and delivered to Signature Title and to be used to purchase a home located at 2106 20th Street West, Bradenton, Florida.

All in violation of Title 18, United States Code, Section 371.

FORFEITURES

1. The allegations contained in Count One of the Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. From his engagement in the violations alleged in Count One of the Information, involving a conspiracy to commit wire fraud and, thereby, to deprive an entity of the intangible right of honest services, contrary to the provisions of Title 18, United States Code, Sections 1343 and 1346, all in violation of Title 18, United States Code, Section 371, the defendant,

PHILIP WILLIAM COON,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his interest in any property constituting or derived from proceeds the defendant obtained directly or indirectly as a result of such offense. Specifically, the property to be forfeited includes, but is not limited to, the following:

- a. A forfeiture money judgment in the amount of \$1,528,616.46, representing the amount of proceeds obtained as a result of the conspiracy to commit wire fraud;
- b. All funds and securities on deposit with Raymond James Financial Services as well as all accounts for which Raymond James acts as

custodian, agent, or broker of record, including, but not limited to, the following:

- (1) Account number 48492808 for Isabella Coon;
 - (2) Account number 48492771 for Sophia Coon;
 - (3) Account number 40001480LK2;
 - (4) Account number 46505049;
 - (5) Lincoln Financial Account number 953035607;
- c. Real property located at 316 51st Street N.W., Bradenton, Florida 34209;
 - d. Cash proceeds from the 2007 sale of the real property located at 2106 20th Street West, Bradenton, Florida, in the amount of \$144,967.07;
 - e. Yamaha piano, purchased on or about May 4, 2005, from Piano Distributors of Florida, Inc., for \$21,293.90;
 - f. Jewelry purchased on May 17, 2006, from Diamond Creations in St. Maarten in the amount of \$10,000.00;
 - g. Jewelry purchased on April 28, 2005, from American Pearl Company in the amount of \$15,500.00;
 - h. 2 pearl pendants;
 - (1) Princess Black Tahitian Cultured Pearl, valued at \$1,350.00;
 - (2) Siona Black Tahitian South Sea Pearl, valued at \$1,600.00;

i. 4 pairs of earrings;

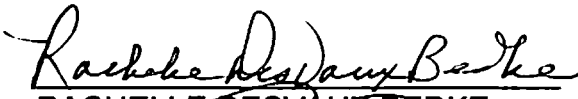
- (1) 1 pair, platinum stud with princess cut diamonds, valued at \$2,200.00;
- (2) 1 pair, with electra white Australian South Sea pearls, valued at \$3,150.00;
- (3) 1 pair, Phallaina black Tahitian South Sea pearls, valued at \$3,100.00; and
- (4) 1 pair, black Tahitian South Sea Pearl 9mm, valued at \$425.00.

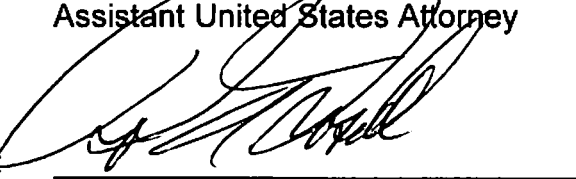
3. If any of the property described in paragraph 2 above, as a result of any act or omission of the defendant:

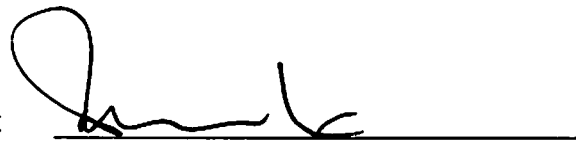
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

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